

Serial No. 10/529,403
Atty. Doc. No. 2002P13112WOUS

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REMARKS

Claims 16 – 34 are now in the application. In the most recent Office Action the drawings, which were submitted in a prior response, were both disapproved and objected to. The abstract was also objected to. All of the claims were rejected under Section 112 based on both written description and enablement requirements. Claim 35 stands rejected under 35 USC 101.

In response to the objections and rejections, the application is amended. The claims have also been amended to correct errors of an apparent nature in defining the inventive subject matter. For example, claim 21 now references “the second terminal.” Reconsideration is requested in view of the amendments to the specification, abstract and claims, and in view of the following remarks. No new matter has been added to the application.

THE DRAWINGS AND ABSTRACT

The drawings were disapproved based on a new matter concern raised by the examiner, and were objected to for failing to show every feature specified in the claims. The Office Action did not identify any specific features of the drawings believed to have introduced new matter. In response to the rejection, all of the features in the drawings have been carefully reviewed and it has been confirmed that the drawings are fully supported by the original disclosure. See, specifically, paragraphs 0011 to 0017 and paragraph 19 at pages 2 – 4 of the application. If the examiner can identify any new matter in the drawings he is requested to bring this to the attention of the Applicant. Otherwise, removal of the new matter rejection is requested.

Without introduction of any new matter, the amendments to the detailed description and the claims fully address all concerns the examiner has raised that the drawings must show every feature specified in the claims. It is noted that the amendment at paragraph 23 of the Specification is based on subject matter already present in the application, found at paragraph 20, that there is no introduction of new matter. Also, to overcome the objection that the drawings do not show every feature in the claims, the claims now only reference features identified in the drawings. For example, the method of claim 16 is now directed to providing information for a “subscriber terminal” such as the terminal 12(a) in Figure 1. The Specification also states that in

Serial No. 10/529,403
Atty. Doc. No. 2002P13112WOUS

one embodiment the terminal 12(b) may be an external terminal and that the node 14 of Figure 1 may be a PBX connected via a data network to the external terminal. Thus all of the claims can now be read upon the figures. The objection to the Drawings has been overcome without requiring submittal of new drawing sheets and removal of the rejection is requested.

The abstract has been amended to address the objection that it should not include implied phrases.

REJECTION OF THE CLAIMS UNDER SECTION 112

Claims 16 – 35 were rejected based on a conclusion that the specification as originally filed does not support the subject matter now claimed. The rejection is traversed in part because a comparison of the claims presented in the Preliminary Amendment with the claims presented in the English translation of the priority document confirms that there is no substantive difference in the claimed subject matter. However, in claim 16, the word “permanently” was changed to “continuously” to more precisely parallel the subject matter claimed in the priority document. It is respectfully submitted that the amended claims do not contain any subject matter which lacks support in the specification. If the examiner disagrees, it is incumbent upon the examiner to specify what subject matter lacks support in the Specification. The written description requirement is satisfied when the specification (i.e., the detailed description and the drawings, together) provide sufficient clarity to those skilled in the art to understand the claimed subject matter. There is no basis to establish that the application does not meet this requirement and the examiner has offered no specifics to support his conclusions.

The claims were also rejected under Section 112 based on the enablement requirement. This rejection specifically identifies the “absence text” and “station guarding” services as not being described in the specification so as to enable one to make or use the invention. Applicant respectfully disagrees with this conclusion for multiple reasons. First, these services are well known in the art. See, for example, the following two web links which explain the nature of these services:

http://www.agfeo.de/agfeo_web/hp3.nsf/e79d2af6301643efc1256ad20037f5bf/0c62121c41f541dbc1256acb00444839!OpenDocument

http://marketingtools.avaya.com/knowledgebase/ipoffice30/mergedProjects/dsuser/diverting_calls/settingabsencectext.htm

Serial No. 10/529,403
Atty. Doc. No. 2002P13112WOUS

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See, also, U.S. 6,937,581 which confirms that "Station Guarding" is well-understood in the art.

Another reason that the rejection should be withdrawn is that the Specification explains the nature of these two services in relation to the claimed invention. See paragraphs 0024, 0026, 0027, 0029, 0030, and 0034.

For all of these reasons removal of both rejections under Section 112 is requested.

REJECTION OF THE CLAIMS UNDER SECTION 101

Claim 35 has been cancelled herein, thereby rendering moot the rejection under 35 USC 102.

CONCLUSION

All of the issues raised in the most recent Office Action have been fully addressed and Applicant respectfully requests allowance of the present application.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this amendment, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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